

VEECH, Richard L.  
Appl. No. 10/763,393  
March 17, 2009

### **REMARKS**

Reconsideration of this application is requested. Claims 32-34 are in the case.

#### **I. THE INTERVIEW**

At the outset, the undersigned wishes to thank the Examiner (Mr. Thomas) for kindly agreeing to conduct an interview in this case. The interview was held on January 9, 2009, and the courtesies extended by the Examiner were most appreciated. The substance of the interview will be clear from the comments presented below.

#### **II. THE ANTICIPATION REJECTIONS**

It is noted, with appreciation, that the anticipation rejection based on Veech (U.S. Patent 6,207,856) has been withdrawn.

Claims 32 and 33 stand rejected under 35 U.S.C. §102(a) and (e) as allegedly anticipated by U.S. Patent 6,380, 244 to Martin *et al.* (Martin). The rejection is respectfully traversed.

As noted in the Action, and as discussed during the interview, the claims prior to the present amendment recited the limitation "wherein the disorder is memory loss associated with aging". The Action asserts that WO 98/41201 (the published application of PCT/US98/05072, filed March 17, 1998, claimed in the priority chain of the present application) allegedly does not identify sufficient written basis for the limitation that the disorder is memory loss associated with aging. The Action takes the position therefore that the earliest priority date for the claimed subject matter is the filing

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date of application Serial No. 09/397,100, filed September 16, 1999, a date subsequent to the filing date of Martin (July 22, 1999).

In response, and without conceding to the rejection, claim 32 has been amended to specify that the disorder is memory loss. Literal support appears for this language at column 1, line 21 of U.S. Patent 6,323,237, the U.S. patent which issued from the continuation of the underlying PCT International Application PCT/US98/05072, filed March 17, 1998. Claim 32 as amended is therefore entitled to the date of March 17, 1998, which is prior to the July 22, 1999 filing date of Martin.

Martin is no longer available as a reference against the invention as now claimed. Withdrawal of the anticipation rejection based on Martin is accordingly respectfully requested.

### III. NEW CLAIM

New claim 34 claims the instance where the neurodegenerative disorder is Alzheimer's disease. Basis appears throughout the specification, for example at page 3, line 26. No new matter is entered.

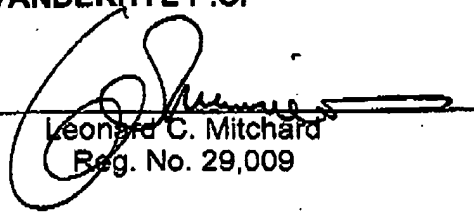
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Allowance of the application is respectfully requested.

Respectfully submitted,

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